

DETAILED ACTION

Status of the Claims

1. This action is in response to the preliminary amendment filed on October 14, 2005. Claims 1-8 have been canceled, and claims 9-26 have been added. Claims 9-26 are pending and examined below.

Claim Objections

2. Claim 9 is objected to because of the following informalities: in line 4, the colon after the word "vehicle" should be changed to a semi-colon. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuroda, EP 1 065 087 A2.

As to claim 9, Kuroda teaches a device for performing speed control and distance control for a controlled vehicle, comprising (abstract):

- a locating system (*e.g. means 102*) for locating objects in the vicinity of the vehicle (¶ 14 and Fig. 1);
- a selecting device (*e.g. means 120*) connected to the locating system, wherein the selecting device classifies a plurality of objects as possible

- obstacles, and wherein the selecting device selects a located object as a target object for the distance control (§ 14, 21 and Figs. 1, 6);
- a detecting device (*e.g. detecting unit 401*) connected to the selecting device and detecting a sequential traffic operation, wherein the sequential traffic operation includes the controlled vehicle following a preceding vehicle as a target object (§ 21 and Figs. 1, 5-6);
 - a controller (*e.g. means 101*) connected to the selecting device, wherein the controller implements a slow-travel function only below a threshold limit speed (§ 14 and Fig. 1); and
 - a determining device (*e.g. means 103*) for determining the threshold limit speed depending on an operating state of the controlled vehicle detected by the detecting device (§ 14 and Fig. 1).

As to claim 10, Kuroda teaches wherein the slow-travel function is an operating mode that makes possible braking the vehicle to a standstill (Fig. 9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda in view of Winner, US 2001/0027371 A1.

As to claims 17 and 22, Kuroda teaches slow-travel function as discussed above. Kuroda does not specifically teach the selecting device is configured to evaluate objects including stationary objects when the slow-travel function is activated, and wherein, in the sequential traffic operation, in order to determine whether a standing object is a relevant obstacle, the selecting device is configured to evaluate a relationship between a locating data of the standing object and a locating data of the preceding vehicle being followed as the target object. However, Winner teaches this matter (¶ 6, 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Kuroda's device to include the features as taught by Winner for increase the vehicle travel safety as stated by Winner (see ¶ 9-10).

Allowable Subject Matter

7. Claims 11-16, 18-21 and 23-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

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The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

- (571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")
- (571) 273-6705 (Draft Communications)

/Mary Cheung/
Primary Examiner, Art Unit 3667
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